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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 10992P6 WO/AB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/01153	International filing date (day/month/year) 17.03.2003	Priority date (day/month/year) 20.04.2002
International Patent Classification (IPC) or both national classification and IPC B65D65/46		
Applicant RECKITT BENCKISER N.V.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 06.10.2003	Date of completion of this report 17.08.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Fournier, J Telephone No. +31 70 340-1031 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/01153

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1-26 as originally filed

Claims, Numbers

1-9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
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International application No. PCT/GB 03/01153

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	4-9
	No: Claims	1-3
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Documents

Reference is made to the following documents:

D1: US-A-5 786 092

D2: WO 94 02377 A

D3: WO 02 16206 A

2. Examination:

There are 2 independent claims, claim 1 and claim 5.

2.1 Claim 1:

The subject matter of claim 1 is not new in the sense of Article 33(2) PCT for the following reasons:

Document D1 discloses a laminate, which comprises a water soluble substrate and a water insoluble web peelably adhered to the water soluble substrate, see figure 4 and claim 1. When the water insoluble web, forming part of the laminate, is peeled away from the laminate prior to product use, it leaves a water soluble substrate. This forms a water-soluble container.

Moreover, the laminate may be made into packages, pouches bags or other containers by any known means including thermoforming, see column 5, lines 40-44. Any of these containers made by thermoforming comprises at least one compartment. Furthermore, the material for the water soluble substrate can be hydroxy propyl methyl cellulose, see column 3, lines 39.

Thus, Document D1 describes all the technical features of claim 1: a water-soluble container comprising at least one compartment prepared from a thermoformed film of hydroxy propyl methyl cellulose.

Document D2 also describes all the technical features of claim 1, see the passage from page 4, line 32 to page 5, line 7.

Therefore, the subject matter of claim 1 is not new in the sense of Article 33(2) PCT.

2.2 Claims 2-4:

As the technical features of claims 2 and 3 are also known from D1, see column 1, line 41 and column 4, lines 6-8, the subject matter of these claims is not new in the sense of Article 33(2) PCT.

Dependent claim 4 does not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of inventive step.

3. Claims 5-9:

3.1 Claim 5:

The solution proposed in claim 5 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Claim 5 relates to a process for preparing a water-soluble container comprising at least one compartment.

Document D3 discloses a process for producing a water-soluble container which comprises:

- a) forming an open container from a water-soluble film by thermoforming the film to produce a pocket;
- b) filling the container;
- c) sealing the container by placing a second water soluble film on top of the filled pocket and sealing the films together, see claims 1, 4 and 5.

The thermoformed film chosen to form the container can be a film of HPMC, see page 5, lines 15-17.

Document D3, which is considered to represent the most relevant state of the art, discloses a process for producing a water-soluble container from which the subject-matter of claim 5 differs in that the HPMC film is heated to a temperature of 120°C to 140°C, for 1 to 10 seconds.

Thus, the subject-matter of this claim consists in the selection of a heating temperature associated with a duration during the thermoforming step. Such a selection can only be regarded as inventive, if it presents unexpected effects or properties in relation to the rest of the range. However, no such effects or properties are indicated in the application, see page 4, lines 17-20 and pages 23 and 24. Hence, no inventive step is present in the subject-matter of claim 5.

3.2 Claims 6-9:

Dependent claims 6-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.